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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,390	08/20/2004	Alain Durand	PF020015	7244

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EXAMINER

ALMEIDA, DEVIN E

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,390	<b>Applicant(s)</b> DURAND, ALAIN	
	<b>Examiner</b> Devin Almeida	<b>Art Unit</b> 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/20/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/20/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the papers filed 8/20/2004. Claims 1-5 were received for consideration. No preliminary amendments for the claims were filed. Currently claims 1-5 are under consideration.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/20/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

The abstract of the disclosure is objected to because it merely recites claim 1. Correction is required. See MPEP § 608.01(b). Applicant is reminded of the proper content of an abstract of the disclosure. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus,

Art Unit: 2191

process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following: (1) if a machine or apparatus, its organization and operation; (2) if an article, its method of making; (3) if a chemical compound, its identity and use; (4) if a mixture, its ingredients; (5) if a process, the steps. Extensive mechanical and design details of apparatus should not be given.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 1, the phrase "comprises the steps consisting, for the presentation device" renders the scope of the claim indefinite because it uses two transitional phrases and it is unclear whether the claim is inclusive

Art Unit: 2191

or exclusive of additional, unrecited elements or steps. For the application of art the phrase "where it comprises the steps consisting, for the presentation device" is given its broadest reasonable interpretation where it is construed to be "where it comprises". See MPEP 2111.03. With respect to claim 3, the phrase "comprises the steps consisting, for the presentation device" renders the scope of the claim indefinite because it uses two transitional phrases and it is unclear whether the claim is inclusive or exclusive of additional, unrecited elements or steps. For the application of art the phrase "where it comprises the steps consisting, for the presentation device" is given its broadest reasonable interpretation where it is construed to be "where it comprises". See MPEP 2111.03. With respect to claim 4, the phrase "wherein it also comprises, before step (a), a step consisting" renders the scope of the claim indefinite because it uses two transitional phrases and it is unclear whether the claim is inclusive or exclusive of additional, unrecited elements or steps. For the application of art the phrase "where it comprises the steps consisting, for the presentation device" is given its broadest reasonable interpretation where it is construed to be "where it comprises". See MPEP 2111.03.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 4, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation is considered indefinite, since the resulting claim does not clearly set forth the metes and

Art Unit: 2191

bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989). Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 2 narrows the claim by using the phrase "consists" and claim 4 broadens the limitation set forth in claim 2 by using the phrase "comprises". See MPEP 2111.03.

Claim 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how you can send data from a processing device and receive the data at the same processing device.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, it conditionally eliminates portions of the method of claim 1, thereby conditionally not further limiting claim 1. See 35 U.S.C. 112, fourth paragraph.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 and 5 are rejected under 35 U.S.C.103(a) as being unpatentable over Ques et al. (WO 00/62505) in view of Ford et al. (U.S. Patent # 5,481,613). The Ques reference with respect to claim 1 teaches transmitting to a processing device (see figure 1 element 3 and 4 and page 8 line 28 – page 9 line 4) connected to the network at least a portion of encrypted data (see page 8 line 7 - page 9 line 4). It also teaches receiving from said processing device at least one element being used to decrypt said received data (see page 9 lines 5-34) and that the second secret is contained in the presentation device (see page 9 lines 5-34). The Ques reference does not teach that the second secret is specific to the second domain. Ford reference teaches a similar system in which the second secret is specific to the second domain (see column 2 line 45-67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have encrypted the data being sent from the first domain to the second domain with an encryption key specific to the second domain so that no one other than the second domain would be able to decipher the data. Therefore one would have been motivated to encrypted the data being sent to the presentation device with a secret key specific to the second domain so that the second domain is able to decrypt and decipher the data (see Ford column 1 line 34-44).

The above combination teaches everything with respect to claim 5, except that Ques does not teach the domain identifier is contained in the data received by the presentation device and in that said domain identifier is transmitted to the processing device during step (a); step (b) being performed only if said processing device contains

the same domain identifier. Ford teaches the domain identifier is contained in the data received by the presentation device and in that said domain identifier is transmitted to the processing device during step (a); step (b) being performed only if said processing device contains the same domain identifier (see Ford column 6 line 4-34). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have included a domain identifier with the data, so that the domain receiving the data, knows what domain the data is coming from. Thus domains have a list of domains that they are accepting data from and others that they are not. Therefore one would have been motivated include a domain identifier to increase the security of the file transfer by setting up a list of trusted and unsafe domains. The receiving domain can reject file transfers from domains that are unsafe.

Claim 2 and 3 are rejected under 35 U.S.C.103(a) as being unpatentable over Ques et al. (WO 00/62505) in view of Ford et al. (U.S. Patent # 5,481,613) and in further view of Otway (U.S. Patent # 6,192,1300). The Ques and Ford reference have been discussed above. With respect to claim 2, Ques teaches that the data received in the presentation device are encrypted with the aid of a first asymmetric key, said first asymmetric key being received with said data in a form encrypted with the aid of the first secret (see page 9 line 5-34); in that step (a) consists in transmitting to the processing device the first asymmetric key encrypted with the aid of the first secret (see page 8 line 7 – page 9 line 34). Ques does not teach the use of a symmetric key with respect to step a, and that the first symmetric key encrypted with the aid of a second symmetric



key; and the second symmetric key encrypted with the aid of the second secret ( $K_{N2}$ ) specific to the second domain or to use a symmetric key. Ford teaches a similar transaction such that the first symmetric key encrypted with the aid of a second asymmetric key; and the second symmetric key encrypted with the aid of the second secret ( $K_{N2}$ ) specific to the second domain (see column 2 lines 51-67). As noted above it would have been obvious to have encrypted the data being sent to the presentation device with a secret key specific to the second domain so that the second domain is able to decrypt and decipher the data (see column 1 line 34-44). Ques and Ford do not teach the use of a symmetric key. Otway teaches that there are two ways (asymmetric and symmetric) for sending data between authorities (see column 4 line 17-38). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have replaced the asymmetric key of Ques and Ford with the symmetric keys discussed by Otway because of lower processing overheads and its particularly attractive for the bulk encryption/decryption of large volumes of data (see Ford column 2 lines 45-50).

With respect to claim 3, the above combination teaches (c) decrypting, with the aid of the second secret, the second encrypted symmetric key (see Ford column 2 lines 45-67 and Otway column 4 line 17-38 i.e. teaches asymmetric key = symmetric key); (d) decrypting, with the aid of the second symmetric key, the first encrypted symmetric key (see Ford column 2 lines 45-67); and (e) decrypting the data received by said presentation device with the aid of the first symmetric key (see Ques page 8 line 28 –

Art Unit: 2191

page 9 line 34 and Otway column 4 line 17-38 i.e. teaches asymmetric key = symmetric key).

<sup>4</sup>  
Claim ~~5~~ is rejected under 35 U.S.C.103(a) as being unpatentable over Ques et al. (WO 00/62505) in view of Ford et al. (U.S. Patent # 5,481,613) in view of Otway (U.S. Patent # 6,192,1300) and in further view of Rosen (U.S. Patent # 5,642,419). The above combination teaches everything with respect to claim <sup>3</sup>~~4~~ above, but with respect to claim <sup>4</sup>~~5~~, they do not teach generating a random number, the random number being transmitted to the processing device in step (a) with the encryption of the first symmetric key; and the data received in step (b) contains the random number and the first symmetric key encrypted with the aid of the second symmetric key; Step (d) also comprising the decryption, with the aid of the second symmetric, of the encrypted random number received in step (b); and the method also comprising, before step (e) verification step to verify that the random number decrypted in step (d) is identical to the random number generated before step (a); Step (e) being performed only in the event of positive verification. Rosen teaches generating a random number, the random number being transmitted to the processing device in step (a) with the encryption of the first symmetric key; and the data received in step (b) contains the random number and the first symmetric key encrypted with the aid of the second symmetric key; Step (d) also comprising the decryption, with the aid of the second symmetric, of the encrypted random number received in step (b); and the method also comprising, before step (e) verification step to verify that the random number decrypted in step (d) is identical to the

Art Unit: 2191

random number generated before step (a); Step (e) being performed only in the event of positive verification (see Rosen column 35 lines 10-40). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have included a random number as to increase the security of the transactions. The random number ensures that old communications cannot be used in replay attacks therefore making a replay attack virtually impossible. Therefore one would have been motivated to include a random number to increase the security of the transactions by giving more confidence in the communication between domains (see Rosen column 35 lines 26-40).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Robertson, can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

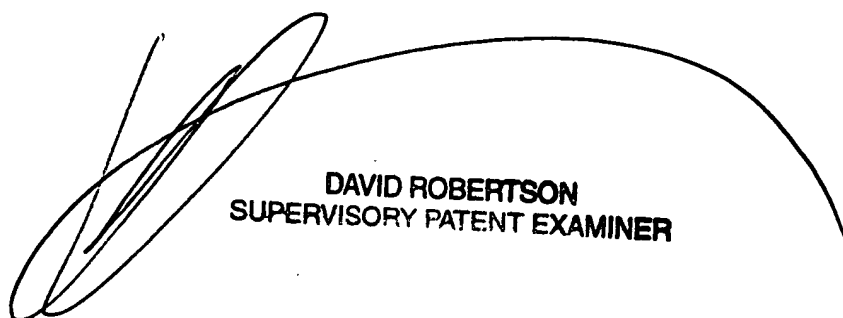
Art Unit: 2191

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DA

Devin Almeida  
Patent Examiner  
8/14/2006



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